

REMARKS

Claims 1-87 were previously canceled. Claims 88-104 are presently pending, with claims 103-104 indicated as being withdrawn. Claims 105-121 are canceled with the entry of this Preliminary Amendment without restriction to subsequent revival, including in a divisional or continuation.

Response to Restriction Requirement

In the Office Action, the Examiner restricted claims 88-121 under 35 U.S.C. § 121, requiring Applicants to elect one of the following claim groups for prosecution in the present application:

- I. Claims 88-102, drawn to a polypeptide, nucleic acid, expression vector, host cells comprising same encoding the polypeptide and a method of producing the polypeptide of SEQ ID NO:56, classified in class 435, subclass 69.1.
- II. Claims 105-119 drawn to a polypeptide, nucleic acid, expression vector, host cells comprising same encoding the polypeptide and a method of producing the polypeptide of SEQ ID NO:57, classified in class 435, subclass 69.1.
- III. Claims 103-104, drawn to a method of treating a mammal with a disease for which Interferon-beta (SEQ ID NO:56) is a useful treatment, classified in class 424, subclass 85.6.
- IV. Claims 120-121, drawn to a method of treating a mammal with a disease for which Interferon-beta (SEQ ID NO:57) is a useful treatment, classified in class 424, subclass 85.6.

Applicants elect Claim Group I (claims 88-102) without traverse. Applicants specifically reserve the right to pursue any non-elected claims and/or sequences in one or more continuation and/or divisional applications. Applicants expressly reserve the right to appeal this decision to the Board of Appeals and/or the federal courts in the event the restriction requirement is made final.

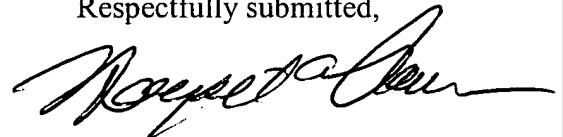
Request for Rejoinder Pursuant to MPEP § 821.04

MPEP § 821.04 provides for rejoinder of process claims which depend from or otherwise incorporate all of the limitations of product claims, once such product claims are found allowable. Applicants therefore request that Group III claims (drawn to a method of treating a mammal) be rejoined upon a finding of allowability of the product claims from which they depend.

CONCLUSION

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5809.

Respectfully submitted,



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